

Assessment of capacity

For office use only
Date received
Case no.

Full name of person to whom the application relates
(this is the name of the person who lacks, or is alleged to lack, capacity)

Mr Aaron Laurence-Dennis

Please read first

- If you are applying to start proceedings with the court you must file this form with your COP1 application form. The assessment must contain current information.
- You must complete Part A of this form.
- You then need to provide the form with Part A completed to the practitioner who will complete Part B. The practitioner will return the form to you or your solicitor for filing with the court.
- The practitioner may be a registered:
 - medical practitioner, for example the GP of the person to whom the application relates;
 - psychiatrist
 - approved mental health professional
 - social worker
 - psychologist
 - nurse, or
 - occupational therapist
- When the form has been completed, its contents will be confidential to the court and those authorised by the court to see it, such as parties to the proceedings.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write your name, the name and date of birth of the person to whom the application relates, and number of the question you are answering on each separate sheet.
- There are additional guidance notes at the end of this form.
- If you need help completing this form please check the website, www.gov.uk/court-of-protection, for further guidance or information, or contact Court Enquiry Service on 0300 456 4600 or courtprotectionenquiries@hmcts.gsi.gov.uk
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.
- This form has been prepared in consultation with the British Medical Association, the Royal College of Physicians, Royal College of Psychiatrists and the Department of Health.

who has examined and assessed the capacity of the person to whom the application relates. In some circumstances it might be appropriate for a registered therapist, such as a speech therapist or occupational therapist, to complete the form.

Section 2 - The person to whom the application relates (the person to be assessed by the practitioner)

2.1

Mr. Mrs. Miss Ms. Other _____

First name

Aaron

Middle name(s)

Jordon Joseph

Last name

Laurence-Dennis

Address
(including
postcode)

19 Hollyfield Avenue
LONDON
N11 3BY

Telephone no.

02037438808

Date of birth

1 1 0 8 1 9 9 9

Male Female

Section 3 - About the application

3.1 Please state the matter you are asking the court to decide. (see note 1)

The decision to be made whether Mr Aaron Laurence-Dennis has the capacity to manage his finances.

3.2 What order are you asking the court to make?

The Director of Adult Social Care of the London Borough of Camden to become deputy to manage the financial affairs of Mr Aaron Laurence Dennis.

3.3 How would the order benefit the person to whom the application relates?

To be able to access Mr Dennis's accounts to pay for his accomodation and other charges to manage his finances in his best interests

3.4 What is your relationship or connection to the person to whom the application relates?

Social Worker

Part B - To be completed by the practitioner

Section 5 - Your details (the practitioner)

5.1 Mr. Mrs. Miss Ms. Dr. Other _____

First name

Tabitha

Middle name(s)

Last name

Papai

Address
(including
postcode)

CYPDS Transition Social Worker
Supporting People
London Borough of Camden
Mosaic

Telephone no.

02079743140

E-mail address

tabitha.papai@camden.gov.uk

5.2 Nature of your professional relationship with the person to whom the application relates
(For example, social worker or general practitioner (GP))

Social Work

5.3 Please state your professional qualifications and practical experience with particular reference to making assessments of capacity in accordance with the Mental Capacity Act 2005 and associated Code of Practice.

I graduated at Kingston University in July 2006 with BA in Community Care Management and a Diploma in Social work.

7.2 The person to whom the application relates is unable to make a decision in relation to the relevant matter because: (see note 5)

he or she is unable to understand the following relevant information (please give details);

Mr Dennis was able to understand the concept of money and that it pays for items. However, he is unable to recognise coins and how much items would cost. Mr Dennis is able to say what he likes to spend money on. Mr Dennis is happy to be helped with his finances. Mr Dennis could not retain information about how much money he gets, he was unable to really retain the information about the process of getting money and how much things cost.

and/or

he or she is unable to retain the following relevant information (please give details);

Aaron is not able to remain focused and hold the information long enough to make a decision. Aaron is unable to understand the information needed to make the decision, and it would be difficult to ascertain his understanding of managing his finances as he lacks insight about the information provided.

and/or

he or she is unable to use or weigh the following relevant information as part of the process of making the decision(s) (please give details);

Aaron is not able to weigh up the Pros and Cons to come to a decision about managing his financial affairs

and/or

is unable to communicate his or her decision(s) by any means at all (please give details).

Mr Dennis's ability to understand and retain information is severely affected by his autism and learning disabilities, which has impacted upon his development. His communication tends to be repetitive. Mr Dennis would not be able to understand the questions asked regarding managing his finances neither would he be able to retain information about this to make decision.

- 7.5 Has the person to whom this application relates made you aware of any views they have in relation to the relevant matter? Yes No

If Yes, please give details.

- 7.6 Do you consider there is a prospect that the person to whom the application relates might regain or acquire capacity in the future in respect of the decision to which the application relates? (see note 6)

Yes – please state why and give an indication of when this might happen.

No – please state why.

Mr Dennis will not be able to regain capacity to make decision due to his autism and learning disability which are life long condition that impact upon his developmen

- 7.7 Are you aware of anyone who holds a different view regarding the capacity of the person to whom the application relates? Yes No

If Yes, please give details.

Guidance notes

Note 1

About the application

These questions are repeated on the COP1 application form. Please copy your answers from the COP1 form so that the information on both forms is the same.

Note 2

Further information

Please provide any further information about the circumstances of the person to whom the application relates that would be relevant in assessing their capacity. For example, if your application relates to property and financial affairs, it would be useful for the practitioner to know the general financial circumstances of the person concerned. This information will help the practitioner evaluate the decision-making responsibility of the person to whom the application relates and may help to inform the practitioner's view on whether that person can make the decision(s) in question.

Note 3

What you need to do next

Please provide this form to the practitioner who will complete Part B.

The practitioner will return the form to you or your solicitor when they have completed Part B. You will then need to file the form with the court together with the COP1 application form and any other information the court requires. See notes on the COP1 form for further information.

Note 4

Assessing capacity

For the purpose of the Mental Capacity Act 2005 a person lacks capacity if, at the time a decision needs to be made, he or she is unable to make or communicate the decision because of an impairment of, or a disturbance in the functioning of, the mind or brain.

The Act contains a two-stage test of capacity:

1. Is there an impairment of, or disturbance in the functioning of, the person's mind or brain?
2. If so, is the impairment or disturbance sufficient that the person lacks the capacity to make a decision in relation to the matter in question?

Please refer to Part A of this form where the applicant has set out details of the application and relevant information about the circumstances of the person to whom the application relates. In particular, section 3.1 sets out the matter the applicant is asking the court to decide.

The assessment of capacity must be based on the person's ability to make a decision in relation to the relevant matter, and not their ability to make decisions in general. It does not matter therefore if the lack of capacity is temporary, if the person retains the capacity to make other decisions, or if the person's capacity fluctuates.

Under the Act, a person is regarded as being unable to make a decision if they cannot:

- understand information about the decision to be made;
- retain that information;
- use or weigh the information as part of the decision-making process; or
- communicate the decision (by any means).

A lack of capacity cannot be established merely by reference to a person's age or appearance or to a particular condition or an aspect of behaviour. A person is not to be treated as being unable to make a decision merely because they have made an unwise decision.

The test of capacity is not the same as the test for detention and treatment under the Mental Health Act 1983. Many people covered by the Mental Health Act have the capacity to make decisions for themselves. On the other hand, most people who lack capacity to make decisions will never be affected by the Mental Health Act.

Practitioners are required to have regard to the Mental Capacity Act 2005 Code of Practice. The Code of Practice is available online at www.gov.uk/court-of-protection. Hard copies are available from The Stationery Office (TSO), for a fee, by:

- phoning 0870 600 5522;
- emailing customerservices@tso.co.uk; or
- ordering online at www.tsoshop.co.uk - ISBN 9780117037465

For further advice please see (for example):

- Making Decisions: A guide for people who work in health and social care (2nd edition), Mental Capacity Implementation Programme, 2007.
- Assessment of Mental Capacity: Guidance for Doctors and Lawyers (2nd edition), British Medical Association and Law Society (London: BMJ Books, 2004)